

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL A SMITH,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

CASE NO. C19-6240RBL

ORDER

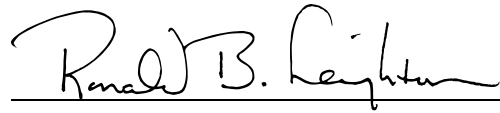
THIS MATTER is before the Court on Magistrate Judge Christel's Report and Recommendation [Dkt. # 12], recommending denial of Petitioner's §2254 habeas petition, and dismissal without prejudice. Petitioner has objected [Dkt. # 13] and the State has responded [Dkt. # 14].

- (1) The Report and Recommendation is **ADOPTED**;
- (2) Petitioner's §2254 habeas petition is **DISMISSED** without prejudice;
- (3) For the reasons articulated in the R&R, the Court will **NOT** issue a Certificate of Appealability; and

1 The Clerk shall send copies of this Order to Petitioner Smith, Respondent's counsel, and
2 to the Hon. David W. Christel.

3 IT IS SO ORDERED.

4 Dated this 15th day of May, 2020.

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7 Ronald B. Leighton
8 United States District Judge
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